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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 MICHAEL ZELENY,

12 Plaintiff,

13 vs.

14 GAVIN NEWSOM, *et al.*,

15 Defendants.
16

Case No. CV 17-7357 JCS

Assigned to:

The Honorable Richard G. Seeborg

Discovery Matters:

The Honorable Thomas S. Hixson

**STIPULATION APPROVING
PROPOSED JUDGMENT**

Action Filed: December 28, 2017

Trial Date: TBD
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20 WHEREAS, On July 13, 2021, the Court issued an Order Granting in Part & Denying in
21 Part Plaintiff's Motion for Summary Judgment and Granting in Part and Denying in Part
22 Defendants' Cross-Motions for Summary Judgment. *See* Docket No. 192.

23 WHEREAS, The Court subsequently granted Plaintiff's Motion for Attorneys' Fees and
24 awarded \$987,638 to Plaintiff. *See* Dkt No. 217; and

25 WHEREAS, the Court directed the parties to submit a proposed judgment if they
26 deemed it necessary;
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1 NOW, THEREFORE, all parties have agreed and stipulated as follows:

2 Subject to the Court's approval, the parties stipulate to entry of the Proposed Judgment
3 attached hereto as **Exhibit A**.

4 **IT IS SO STIPULATED.**

5 Dated: April 29, 2022

Respectfully submitted,

6 s/ Brian R. England

7 David W. Affeld

Brian R. England

8 Damion D. D. Robinson

Affeld Grivakes LLP

Attorneys for Plaintiff Michael Zeleny

9 s/ Todd H. Master

10 Todd H. Master

Howard Rome Martin & Ridley LLP

11 Attorneys for Defendants City of Menlo Park and

12 Dave Bertini

13 s/ John W. Killeen

John W. Killeen

14 Deputy Attorney General

California Department of Justice

15 Attorney for Defendant Xavier Becerra

16
17 **ATTESTATION PER LOCAL RULE 5-1**

18 I attest that each person whose electronic signature appears above has concurred in the
19 electronic filing of this joint document and has authorized the use of their electronic signatures.
20 Records supporting this concurrence are maintained by the filer and are available for inspection
21 if needed.

22 Dated: April 29, 2022

s/ Brian R. England

23 Brian R. England

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EXHIBIT A

1 David W. Affeld, State Bar No. 123922
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 MICHAEL ZELENY,

12 Plaintiff,

13 vs.

14 GAVIN NEWSOM, *et al.*,

15 Defendants.
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Case No. CV 17-7357 RS

Assigned to:

The Honorable Richard G. Seeborg

[PROPOSED] JUDGMENT

Action Filed: December 28, 2017

Trial Date: None Set
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JUDGMENT

Plaintiff Michael Zeleny filed this action against the Attorney General of the State of California (currently Rob Bonta), the City of Menlo Park, and former Police Chief Dave Bertini on December 28, 2017. On July 13, 2021, the Court issued an Order Granting in Part & Denying in Part Plaintiff's Motion for Summary Judgment and Granting in Part and Denying in Part Defendants' Cross-Motions for Summary Judgment. *See* Docket No. 192. The Court subsequently granted Plaintiff's Motion for Attorneys' Fees and awarded \$987,638 to Plaintiff.¹ *See* Dkt No. 217.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- (i) Judgment is entered in Plaintiff's favor against Defendant City of Menlo Park. As part of this Judgment, the Court finds and declares that the Special Event Permit process and the Film Permit process in effect during those periods of time that Zeleny applied for such permits, up to and through the date of the Court's July 13, 2021 Order, were facially unconstitutional prior restraints. This Judgment also includes an award of attorneys' fees and costs against Defendant City of Menlo Park only and in favor of Plaintiff and his attorneys in the agreed amount of \$925,000 in lieu of the awarded sum of \$987,638;
- (ii) Judgment is entered in Defendant Bertini's favor against Plaintiff Michael Zeleny such that no payment, injunctive relief, or declaratory relief is granted against Defendant Bertini; and
- (iii) Judgment is entered in favor of Attorney General Rob Bonta and against Plaintiff Michael Zeleny on all claims asserted against the Attorney General.

It IS SO ORDERED.

Dated: _____

 The Honorable Richard G. Seeborg
 UNITED STATES DISTRICT JUDGE

¹ Subsequent to the Court's Order, the parties reached a negotiated resolution of Plaintiff's request for attorneys' fees. Pursuant to that settlement, the City of Menlo Park has agreed to pay Plaintiff and his counsel the sum of \$925,000 in full satisfaction of the Court's February 24, 2022 Order. This settlement did not impact Plaintiff's claims against the Attorney General or this Court's Order granting Summary Judgment in favor of the Attorney General.

PROOF OF SERVICE

I hereby certify that on April 29, 2002 I electronically filed the foregoing document using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will send a notice of electronic filing to the interested parties.

s/ Brian R. England
Brian R. England